



state senator
Brent Steele

2006 LEGISLATIVE UPDATE

Indiana Senate
200 W. Washington St.
Indianapolis, IN 46204

Prst Std
U.S. Postage
PAID
Indianapolis, IN
Permit No. 7767



state senator
Brent Steele
serving district 44

2006 LEGISLATIVE UPDATE

200 W. WASHINGTON ST., INDIANAPOLIS, INDIANA 46204 • WWW.IN.GOV/S44

Protecting Hoosier Children

Indiana's children are our state's most precious assets. Sadly, nearly 67 percent of all reported sexual assault crimes are committed against children. In fact, 34 percent of sexual assault victims are under age 12. One in seven is under age 6. Despite efforts to protect them, there are still sexual predators who continue to prey on the innocence of children. This session, several bills were filed in an effort to close loopholes and strengthen Indiana's child protection laws.

The only way to help prevent predators from striking twice is to ensure their whereabouts are known by law enforcement agencies. This year, I authored Senate Enrolled Act 6 that requires convicted sexual predators to wear a GPS monitoring device at all times. This is one of my bills that I am the most proud of and I truly believe this bill will save the lives of our children.

parole once his or her prison term is complete and any individual convicted of two child molesting crimes in another state whose parole is transferred to Indiana is also required to be placed on lifetime parole. Legislators have also been successful in preventing courts from granting petitions for adoption or legal guardianship to a sexually violent predator or someone who commits child molestation with specific provisions.

The Department of Corrections (DOC) has been given more authority over sex offenders by receiving control of the state sex offender registry. The DOC is now also required to register these offenders before being released from incarceration.

This legislation also prohibits a sexually violent predator from living within 1,000 feet of, or working at, any school, public park or program center; nor is a sexually violent predator permitted to live within one mile of the victim's residence.

Too often, sex offenders are released from prison, supposedly rehabilitated, only to repeat their crimes or commit worse offenses. Statistics show that sex offenders are four times more likely than non-sex offenders to be arrested for another sex crime after being discharged from prison. These initiatives can help provide protection for our most vulnerable Hoosiers - our children.

Also with this newly enacted legislation, any person at least 18 years old who is convicted of child molesting for a second time may be placed on lifetime

PROPERTY RIGHTS BILL BECOMES LAW

The right to own property is fundamental to the American way of life. We are all familiar with the concept of "life, liberty, and the pursuit of happiness" set out in our Declaration of Independence. However, at the time the Declaration was issued, many Americans listed such basic God-given human rights as "life, liberty and property."

Last summer, the U.S. Supreme Court issued a ruling that threatens the right to own property. In *Kelo v. City of New London*, the court said that government may "take" private property for economic development.

The Supreme Court, however, left a loophole, saying legislatures may further restrict the use of eminent domain. This year, the General Assembly did exactly that.

This summer, Indiana created an Eminent Domain Study Committee to look at Indiana's property rights laws to see how they could be improved. Many of their conclusions are now in the form of House Enrolled Act 1010.

Perhaps most importantly, the new law requires the reason for using eminent domain be something that benefits the public. Thus, eminent domain can be used for a legitimate government purpose-but not simply to increase a local government's tax base.

The proposed new law does several other things, including placing time restrictions on eminent domain so that property owners are not left in limbo for years at a time; requiring just compensation for Hoosier property owners; and mandating good-faith negotiations between the condemner and the property owner.

When used appropriately, eminent domain is an important tool that can help provide anything from roads to parks to schools for public use. HEA 1010 ensures that this tool is not abused at the expense of Hoosiers' right to own private property.

FACTS & FIGURES

FROM THE 2006 LEGISLATIVE SESSION

The First Regular Session of the 114th General Assembly began on Organization Day, November 22, 2005, and adjourned March 14, 2006.

Senate bills introduced: 394
Senate joint resolutions introduced: 14

Senate bills passed: 107
Senate joint resolutions passed: 1

House bills introduced: 443
House joint resolutions introduced: 4

House bills passed: 86
House joint resolutions passed: 0

Percent of introduced bills that were sent to the governor: 23%

stay connected
to the
indiana senate



Visit my web site at www.in.gov/S44 where you can read my latest news releases, track bills, and learn more about Indiana laws.

During the legislative session, you can click on our [live video](#) link to watch a session day in real time.

For other information about the Indiana General Assembly, visit www.in.gov/legislative



Property Tax Relief for Hoosiers



As estimates for property tax increases this year came rolling in at the end of 2005, members of the General Assembly thought property taxpayers could use a break from expected increases. This year, HEA 1001 provides that relief by dedicating \$100 million to subsidize property tax bills.

This move could mean that homeowners will see no increase from their 2005 tax bills. Early estimates suggested hikes as high as 12 percent, but most experts thought increases would be around 5 percent. HEA 1001 will keep any increases reasonable, and may flatline many bills.

In addition to providing immediate property tax relief, HEA 1001 sets the stage for a long-term solution to high property tax bills. The new law states that 2010 property taxes must be capped at 2 percent of assessed value. In order to replace any revenue that could be lost as a result of this move, the General Assembly in future years will have to find a permanent way to replace property tax revenue.

The Senate voted in a bipartisan fashion this year to lower property tax revenue by 20 percent by increasing local income taxes, but that proposal ultimately did not become law.

HEA 1001 aids property taxpayers, but is also a pro-business law. The legislation phases in a single sales factor tax by 2011. This means payroll and property factors will no longer be used in figuring corporate taxes. With a single sales factor, businesses will no longer be penalized for owning property or having large payrolls in Indiana.

The out-of-state utility services tax will help Indiana utility companies compete with others by subjecting out-of-state utility companies to the same taxes as Indiana companies face.

In the end, HEA 1001 is a very positive move for Hoosier taxpayers and Hoosier businesses.

Major Moves: The Jobs Bill of a Generation

For years, Indiana has habitually approved almost any road project that is requested with a promise that it will get done "eventually." This resulted in \$2.8 billion of unfunded road projects across the state. With the passage of Major Moves, House Enrolled Act 1008, the General Assembly ensured the state's 10-year road plan will be funded, the Interstate 69 extension will get started, future generations will have money for roads and thousands of jobs will be created across the state.

The crux of the plan — leasing the Indiana Toll Road to private investors — drew attention, praise and criticism in the 10-week legislative session, but in the end, I believe the benefits of the deal outweighed any negatives that were mentioned.

The lease that was ratified through HEA 1008 was a \$3.8 billion agreement between the state and Statewide Mobility Partners (SMP), a Spanish-Australian consortium that operates toll roads all over the world. Supported by business leaders and unions alike, the \$3.8 billion lease and the interest it accrues will pay for the state's road projects, creating — according to some estimates — more than 130,000 jobs. An additional \$150 million will also be distributed to counties for local road projects.

In exchange for an up-front payment, SMP will operate and collect tolls from the Indiana Toll Road for 75 years. The consortium has also agreed to make improvements to the road — estimated at \$4.4 billion — and fund 25 additional State Troopers and a new state police post along the Interstate. The lease agreement and HEA 1008 dictate that SMP must meet federal standards on items such as traffic flow

and snow removal. Indiana also listed its own requirements for maintenance issues such as filling pot holes, removing dead animals, and taking care of other hazards.

In addition to the toll road portion of the law, HEA 1008 also addresses another major road: Interstate 69. The previous timeline for extending I-69 from Indianapolis to Evansville, set by previous administrations, had construction beginning in 2017. That is simply unworkable.



Senator Steele debates a bill on the floor of the Senate.

Under HEA 1008, work on the long-awaited interstate could start as soon as 2008 and be completed by 2018. Under the plan, the governor could enter into a Public-Private Partnership (P3) to help build I-69 from Evansville to Martinsville as a toll road. However, tolls from Martinsville to Evansville must be approved by the legislature. Additionally, if the administration wants the north end of the road to remain in Perry Township in Indianapolis, the General Assembly must also give approval.

Another important part of the deal is a \$500 million Next Generation Trust Fund. Every five years, the state will take the interest the trust fund accrues and deposit it into the Major Moves construction fund. The initial \$500 million, however, will be protected and not spent.

As Governor Mitch Daniels has said, a top-tier economy requires a top-tier infrastructure. Indiana is striving to have an economy that is the envy of the nation, but we can't do so without a road system that also draws envy. Major Moves completes those goals, and I am proud to say I supported it.

Steele Authors Bill Ensuring Peace at Funerals

There is no greater sacrifice a person can make for their country than giving his or her life on the battlefield. Freedom truly is not free. When our fallen heroes return home for burial, it is one of the most difficult times in the lives of their families. Disruptive and insulting protests do not belong at a funeral—they may have their time and place, but a private service is not an appropriate venue.

Senate Enrolled Act 5, which I authored, will make disorderly conduct at all funerals a Class D felony if the actions occur at a funeral home, the procession or at the grave site. Indiana currently has a statute that makes disorderly conduct at airports, airport hangars and parking areas a Class D felony.

An extremist group headquartered in Kansas has gained notoriety by staging vulgar, disruptive protests at funerals nationwide, particularly those of fallen soldiers. They have picketed at several Bedford churches and have celebrated last year's Evansville-area tornado, attributing the disaster to my funeral bill.

This SEA 5 can help protect grieving families from hateful groups like this one.

This legislation is not an attack on freedom of speech. It simply ensures that grieving families have the right to lay their son or daughter, wife or spouse, friend or relative to rest without being harassed and taunted. Anyone is still free to protest a funeral, if they feel that is appropriate and necessary, in any forum they desire. They simply



Senator Steele sitting at his desk on the Senate floor.

must remain at least 500 feet away from the funeral and not violate the general law on disorderly conduct.

SEA 5 isn't only about veterans—every funeral is entitled to the sanctity of peace, dignity and respect. That right is even more important if the family wants prayer said at the grave side. Finally, this bill will promote public safety by reducing possible encounters between protesters and counter-protesters.

To be certain, the vast majority of Hoosiers are offended by such language and actions. I do not want to limit anyone's freedom of speech. I do, however, want to defuse potential violent situations where angry citizens may feel compelled to take the law into their own hands against such protesters. Even more importantly, I want to protect grieving families from actions like we have seen in recent months and allow those families to lay their loved one to rest in peace.

Two New Laws SUPPORT SECOND AMENDMENT

"The people shall have a right to bear arms, for the defense of themselves and the State." Article 1, Section 32 of the Indiana Constitution grants us the freedom to own firearms and store them in our homes.

I have always been a firm supporter of our Second Amendment rights, and there are two bills in the General Assembly that would protect law-abiding gun owners.

The "Stand Your Ground" law, House Enrolled Act 1028, aims to protect Hoosiers who are protecting themselves. The bill allows any person to use deadly force against an intruder to the person's home or vehicle. Current law says that the intruder must have intent to cause death or bodily harm, but I believe that when someone breaks into your private property, you do not have the time to determine their exact intent.

Stand Your Ground also removes Indiana's "duty to retreat" requirement. No longer will a Hoosier under attack have to turn their back and try to escape. Instead, victims may fight back if they believe it is necessary to prevent harm.

Finally, it prevents Hoosiers who use such force from being prosecuted. In short, this bill gives rights back to law-abiding citizens.



Senator Steele studies a bill during a Senate committee.

In addition, Senate Enrolled Act54 attempts to simplify the handgun licensing process. Currently, everyone with a handgun license must have their permit updated and be fingerprinted every four years — even people who have had such a license all of their adult life.

This bill would allow the Superintendent of the Indiana State Police to establish an electronic renewal service and keep one set of fingerprints on file when this system is implemented. In order to keep the cost of this program low, it will rely on federal funding as opposed to taking more from the already strapped state budget. This bill would also allow citizens to apply for lifetime licenses.

The Indiana State Police issues about 80,000 gun permits per year, and these measures would reduce that number and make the process much more efficient. Safety is still a top priority and law enforcement officers would continue to revoke licenses as

necessary.

These small, sensible changes will be a great improvement of the current system and make the licensing procedure much more efficient. There is no reason to punish those law-abiding citizens who are simply exercising their Second Amendment rights.